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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5
5-3102
nlu

In re application of:

Nami Media, Inc.

Serial No. 09/922,425

Filed: August 3, 2001

For: MEDIA PURCHASE GOAL
CORRELATION SYSTEM

PATENTS

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Technology Center 2100

RENEWED PETITION TO MAKE SPECIAL

BOX DAC

Assistant Commissioner for Patents
Washington, D.C. 20231

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GROUP 3600

Sir:

The original Petition to make Special for the above-described application was dismissed in a Decision on Petition for Accelerated Examination Under M.P.E.P. §708.02 (VIII) on two counts: First, that the petition is deficient in that there is no statement that applicant will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention as required by section (b).

Counsel for Applicant was under the understanding that if a statement was included that "the application presented claims drawn to a single invention" that this would be sufficient and should the Office determine that "all the claims presented are not obviously directed to a single invention", Applicant would then be offered the opportunity to "make an election without traverse as a prerequisite to the grant of special status." Counsel has had several Petitions to Make Special granted on this basis without any statement regarding an election without traverse present in the Petition. Nonetheless, Applicant hereby submits that he will make an election without traverse as a prerequisite to the grant of special status should the Office determine that all the claims presented are not obviously directed to a single invention.

Second, the Special Programs Examiner has stated "the discussion does not point out how the claimed subject matter is patentable over the references. Note that the *identical statement*, that the entirety of Claim 1, except for the two "means for inputting...", is not taught or suggested by the reference, is presented for each of the references purported to be "most closely related". That is, the detailed discussion of the references required by section (e) does not have the particularity required by 37 CFR 1.111 (b) and (c)."

Counsel for Applicant respectfully takes issue with this statement. First, Claim 1 of the subject application only contains one “means for inputting...” clause, namely:

means for inputting the timing of occurrences of said Internet-related goals and assigned
stated geographic area to said first database;

Second, Applicant never uses the statement “the entirety of Claim 1, except for the two “means for inputting...”, is not taught or suggested by the reference purported to be “most closely related.”


Third, as shown in the analyses presented below, the principal difference between the references found and the invention presented in the instant application is that the inventor has developed a system that provides means for correlating advertising in television ads, newspapers or other non-network based advertising with stated goals such as online purchases, downloads, arrivals at specified web addresses, user data capture, sales lead generation, identification of dealer locations, viewing of specific text, viewing of specific images or receiving sound transmissions. These capabilities are not found in any of the identified references found by Applicant search agent as most closely related to his invention.

Based upon the above arguments, Applicant respectfully requests that the following Petition to Make Special, herewith presented in its entirety, be reviewed and urges that examination of the Application be accelerated.

Respectfully submitted,

BELASCO JACOBS & TOWNSLEY, LLP

Dated: May 31, 2002

By: 
David A. Belasco
Registration No. 41,609
Attorney for Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nami Media, Inc.

Serial No. Not yet assigned

Filed: August 6, 2001

For: MEDIA PURCHASE GOAL
CORRELATION SYSTEMPATENTS**RECEIVED**
JUN 05 2002
Technology Center 2100

PETITION TO MAKE SPECIAL

BOX DAC
Assistant Commissioner for Patents
Washington, D.C. 20231**RECEIVED**
JUN 10 2002
GROUP 3600

Sir:

Pursuant to 37 CFR 1.102, Applicant hereby petitions to accelerate the examination of the above application. A check in the amount of \$130 is enclosed as the fee required by 37 CFR 1.17(i). The above application presents claims directed to a single invention. A pre-examination search was performed by Rosenberg, Klein & Lee, Patent Research Specialists, in the following Fields of Search: 709/202, 203, 217, 218, 224, 707/501, 705/10, 26. In addition, an Examiner in Class 709 was interviewed.

Copies of the following nine references deemed most closely related to the subject matter encompassed by the claims are enclosed:

<i>Verma</i>	6,243,750	June 5, 2001
<i>Hunt et al.</i>	6,223,215	April 24, 2001
<i>Von Kohorn</i>	5,227,874	June 13 1993
<i>D'Eon et al.</i>	6,006,197	December 21, 1999
<i>Merriman et al.</i>	5,948,061	September 7, 1999
<i>Gifford</i>	5,812,776	September 22, 1998
<i>LeMole et al.</i>	6,009,410	December 28, 1999
<i>Wodarz et al.</i>	5,999,912	December 7, 1999

Kay et al.

5,754,634

May 19, 1998

The following is a discussion of the above listed references which points out, with the particularity required by 37 CFR 1.111 how the claimed subject matter is distinguishable over the references.

Verma

6,243,750

June 5, 2001

This reference is directed toward a method and system for measuring web site access requests. As shown in FIG. 5, the reference web page requested is sent to user system 109 and rendered through web browser 111. Process flow chart 610 includes a step 615 to remove appended tag 608. The process 615 of removing tag 608 on server 110 is well understood in the art. In this tag embodiment, an application 315 running on advertiser's web page server 101 strips off anything after the top-level domain name string 607.

Using the strip off tag, the web server application 315 in process step 617 determines if tag 608 has already been assigned a corresponding counter. When a counter corresponding to tag 608 has been assigned, the server application 315 increments the number of "hits" in the counter in process step 619. On the other hand, if a counter corresponding to tag 608 has not been assigned, server application step 621 creates a corresponding counter and sets the counter value to one.

An advertiser can assign different tag 608, sub-address or string to each of several different web sites running their advertisements. For example, suppose advertiser A advertises on five different web sites simultaneously. Each of these five web sites can be assigned a unique URL tag 608 to identify the respective site. This enables the advertiser to tabulate the effectiveness of its advertisement among all five sites running their advertising by examining the unique counters associated with each web site's URL tag 608.

This invention provides the capability for an advertiser to determine the address of a referring entity, such as a banner ad or other network-based advertisement, that results in a web hit at a designated site. The patent does not describe any method for correlating advertising in television ads, newspapers or other non-network based advertising with stated goals such as online purchases, downloads, arrivals at specified web addresses, user data capture, sales lead generation, identification of dealer locations, viewing of specific text, viewing of specific images or receiving sound transmissions. As such, the present invention may be distinguished from *Verma*.

The claimed subject matter relating to these distinguishing features is described in Claims 1, which includes the following clauses:

- an advertising media purchase, said media purchase relating to a predetermined subject matter and being placed in either of movies, video, television, interactive television, radio and print media within a stated geographic area;
- said media purchase including either of an Internet website address and other unique trackable identifier for accessing further information related to the subject matter of the media purchase;
- a first database, said first database containing records relating to the start date, end date, and stated geographic area for a plurality of media purchases;
- means for determining the geographic location associated with an Internet Protocol address;
- means for grouping said geographic locations into uniform stated geographic areas;

a second database, said second database containing records correlating Internet Protocol addresses of Internet users with stated geographic areas;

means for determining the Internet Protocol address of an Internet user accessing said Internet website address;

means for tracking the timing of Internet-related goals achieved by said Internet user related to his accessing said Internet website address;

means for accessing said second database and assigning a stated geographic area to said user's Internet-related goals;

means for inputting the timing of occurrences of said Internet-related goals and assigned stated geographic area to said first database; and

means for correlating and reporting the timing of Internet-related goals achieved by said Internet user with the start date, end date and a residual period for media purchases within said stated geographic area.

The features described by these clauses are not found in the *Verma* '750 patent.

Hunt et al. 6,223,215 April 24, 2001

This reference is directed towards tracking a user's purchases on the Internet by associating the user with an inbound source and session identifier. As shown in FIG. 2, operation begins at stage 202 in response to a new user initiating access to an interactive network site. At stage 202 a unique session ID is assigned from a front-end session database, and relevant user data is recorded in the session database associated with the session ID. For example, the relevant user data includes the user's inbound source "origin" such as a unique source ID of a banner "advertisement" on a search engine www site (e.g., which can be determined using standard name-value pairs passed via HTTP protocol).

According to the first claim of this patent, the inbound source and session identifier discussed refers to the network site of the source. Again, this patent does not describe any method for correlating advertising in television ads, newspapers or other non-network based advertising with stated goals such as online purchases. These features, described by the clauses of Claim 1, *supra*, are not found in the *Hunt et al.* '215 patent and thus, the present invention may be distinguished therefrom.

Von Kohorn

5,227,874

June 13 1993

This reference is directed towards a method for measuring the effectiveness of stimuli on decisions of shoppers. As shown in FIG. 1, two signals are broadcast by central station 12 to each of the receiving stations 16 and 18. One of these two signals is a program signal for presenting on the television screen 20 a program generated in the studio 14. The second of the two signals is an instructional or command signal for operation of the response unit 22, the instructional signal providing appropriate commands to the response unit 22 for evaluating, rejecting, or accepting and scoring audience responses to questions raised in the televised program. In both of the receiving stations 16 and 18 the response unit 22 includes a keyboard 44 whereby a person in the remote viewing audience enters a response. The response unit 22 includes a dispenser 46 that dispenses a record of score and/or responses in a permanent recording medium such as a card 48 of plastic or similar material, including a well-known strip of magnetizable material upon which the score and/or responses have been recorded.

This patent provides means for dispensing coupons or similar incentives to shoppers who view television broadcasts and respond on dedicated keyboards to questions presented in the broadcasts. The information regarding the dispenser of the coupon and the responses entered are tracked by the system. This system requires dedicated hardware and active participation of

shoppers in the use of the system. In contrast, the present invention requires only that advertising in the purchased media include a link to follow-up information, with no active participation of the customer than his purchase or other goal completion (web site hits, etc.) As such, the present invention can be distinguished from the *Von Kohorn* '874 patent. The claimed subject matter discussed above is described in Claim 1, illustrated *supra*.

D'Eon et al. 6,006,197 December 21, 1999

This reference is directed toward a system and method for assessing effectiveness of Internet marketing campaigns. FIG. 1 illustrates schematically that the PC 12 can access one or more sites 28a-c. These sites 28a-c can present one or more banner advertisements 30, 32, 34. When one of the advertisements 30, 32, 34 is clicked on by a user to, e.g., hyperlink to the site of the advertiser represented by the advertisement 30, 32, 34 the tracker software 16 unobtrusively tracks the user around the advertiser's site. At block 40 of FIG. 2, the advertisement identification, although being ignored as part of an actual network path, is buffered and then correlated with a visitor identification inserted at block 38. The tracker module 16 records the identifications of users, as represented by the visitor identifications, who click on the advertisements 30, 32, 34. Each time a user clicks on one of the advertisements 30, 32, 34, an "impression" of the clicked-on advertisement by visitor identification is thereby established and recorded.

This patent also tracks network-based sources of eventual network related goals such as sales or information downloads. As this invention does not track achievement of these goals for non-network related media sources such as television or radio ads, the present invention may be distinguished from the *D'Eon et al.* '197 patent. The claimed subject matter discussed above is described in Claim 1, illustrated *supra*.

Merriman et al. 5,948,061

September 7, 1999

This reference is directed towards a method of delivery targeting and measuring advertising over networks. As part of the “click through” process, when the user clicks on the banner or other advertising object displayed by the user’s browser 16 the user’s browser transmits a message to the ad server. The ad server notes the address of the computer of the browser (or any other identifier such as a cookie or a digital signature) that generated the message 23 and transmits back the URL of the advertiser’s web page so that the user’s web browser 16 generates a message 26 to contact the advertiser’s web site 18. The ad server process notes that a “click-through” for an advertisement has occurred and updates various databases.

This invention provides targeted advertising in a network environment based upon responses to banner ads and related network advertising. The targeting information is provided to affiliated sites to deliver the targeted ads to the users who responded to the ads. As with previously described references, this patent does not describe any method for correlating advertising in television ads, newspapers or other non-network based advertising with stated goals such as online purchases or web site hits. Thus the present invention may be distinguished from the *Merriman et al.* ‘061 patent. The claimed subject matter discussed above is described in Claim 1, illustrated *supra*.

Gifford

5,812,776

September 22, 1998

This reference discloses a method that allows Internet users to locate web pages of interest without having to record and access an Internet web site address or URL directly. As illustrated in FIG. 6, a database 604 is provided that maps telephone numbers (or other non-URL descriptors such as a company name or product description) to the URL relating to the web page

containing the desired information. The database 604 is accessed by user from a client machine 601 communicating with a directory server 602 that provides the desired "target URL" to the user at the client 601. The user then accesses a merchant server 603 using the URL to view the desired web page.

While this invention does provide means for an Internet user to access a merchant's web pages from non-Internet sources such as telephone numbers or product descriptions, it does not provide any correlation data to a media buyer regarding the achievement of Internet related goals linked to advertising media purchases as does the present invention as described in the clauses from Claim 1, *supra*. Thus, the present invention may be distinguished from the *Gifford '776* patent.

LeMole et al.

6,009,410

December 28, 1999

This reference describes a method and system for presenting customized advertising to a user on the World Wide Web (WWW). As shown in FIG. 1, a Customized Advertising Repository (CAR) server 111 is connected on the WWW. The CAR server stores a customized ad repository for each registered user. The user's ad repository is customized for the user by the CAR server based upon a previously submitted user profile. The user's ad repository may also be updated by the CAR server 111 on a context dependent basis determined from particular web sites 116, 121, 120, 119, 118, 117, that the user has accessed prior to accessing the CAR. As a result, the user's ad repository will contain one or more dynamically configured composite pages containing images, streaming banners, animation, etc. from plural advertisers and stored on multiple databases 112, 113, 114, 115. From such dynamically configured composite pages, the user will be able to retrieve, through a hyperlink, further information directly from the selected advertiser's own Web site.

While this invention permits an advertiser to tailor advertising content to user profiles or previous web visit experience of the user, it does not provide correlation of non-Internet media purchases with Internet-related goals achieved by the user. Thus the present invention may be distinguished from the *LeMole et al.* 410 patent. The claimed subject matter discussed above is described in Claim 1, illustrated *supra*.

Wodarz et al.

5,999,912

December 7, 1999

This reference discloses a system for dynamic advertising scheduling display and tracking for the World Wide Web. As seen in FIGS. 1a and 1b, a web page that an Internet user may request may contain a series of ad tags linked to the content of the page. As illustrated in FIG. 2, when the user requests a particular page 200, the system's server begins parsing the template 202 of the page and determines if the page contains ad tags. If no tags are found, the HTML link relating to a general URL for the advertiser is returned to the user to view ads of the advertiser 216. If ad tags are found 204, a database 208 of ads is scanned to find ads that match criteria for the ad tag and a list 210 is generated of suitable ads. A scheduling algorithm 212 is used to determine the first ad to be presented to the user and suitable HTML code 214 for the necessary link is forwarded to the user so that he may access the ad.

While this invention allows an advertiser to dynamically tailor links for ads to be sent to a user depending upon his activity on a web page, it does not provide correlation of the achievement of Internet-related goals to non-Internet media purchases as does the present invention. These features are not disclosed in the *Wodarz et al.* '912 patent and thus the present invention may be distinguished. The claimed subject matter discussed above is described in Claim 1, illustrated *supra*.

Kay et al.

5,754,634

May 19, 1998

This reference describes a system and method for tracking and reporting incoming telephone calls. As shown in FIG. 1, through use of an Integrated Service Control Point platform (ISCP) 48, call transaction data for incoming calls are captured at Service Switching Points 11, 13, 15, 17. The call originating phone number for each call may be used to access an existing Customer Record Information System to obtain caller information including Zip code. The Zip code can be used to access commercially available census data to provide further demographic information. Report statistics can match these demographics with the number of calls received as collected at the ISCP 48.

While this invention can identify geographic areas through the use of Zip codes and the CRIS database information and thus provide useful demographic information to an advertiser or other entity conducting a telephone call receipt monitoring program, it can not provide correlation of such calls or other non-Internet advertising programs to Internet-relating goals. As such, the present invention may be distinguished from the *Kay et al.*'634 patent. The claimed subject matter discussed above is described in Claim 1, illustrated *supra*.

Based on the foregoing, Applicant requests that the examination of the above application be accelerated.

Respectfully submitted,

BEEHLER & PAVITT

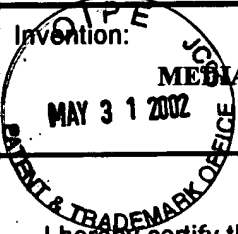
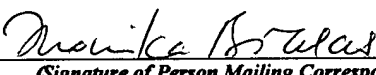
Dated: August 3, 2001

By: _____
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Attorney for Applicant

Enclosures

06-03-02

CP/2163

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No. 02-346-B
Applicant(s): Mittman, Gary			
Serial No. 09/922,425	Filing Date August 3, 2001	Examiner Not yet assigned	Group Art Unit 2163
<div><div>Invention: MEDIA PURCHASE GOAL CORRELATION SYSTEM</div><div>RECEIVED JUN 05 2002 Technology Center 2100</div></div> <p>I hereby certify that the following correspondence:</p> <div>RENEWED PETITION TO MAKE SPECIAL</div> <p><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231</p> <p><u>May 31, 2002</u> <i>(Date)</i></p> <div><p>Monika Bialas <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p> <i>(Signature of Person Mailing Correspondence)</i></p><p>EV 103616369US <i>("Express Mail" Mailing Label Number)</i></p></div>			
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